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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ROBERT M BAUER, ESQ. LACKENBACH SIEGEL, LLP 1 CHASE ROAD SCARSDALE, NY 10583			EXAMINER SCHEIBEL, ROBERT C	
			ART UNIT	PAPER NUMBER
			2616	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/089,326

Applicant(s)

ARRAKOSKI ET AL.

Examiner

Robert C. Scheibel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s).

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

- Examiner Acknowledges receipt of Amendment filed 3/5/2007.
- Claims 36, 39-41, 44-45, 52-54, 57-59, 62-63, 70, 73-75, 79, and 86 are currently amended.
- Further, claims 46, 48-51, 66-69, and 71-85 are indicated as "Previously Presented" in the current set of claims, but are in fact "Currently Amended" as the claim dependency has been amended since the last version of claims submitted to the Office. Applicant is cautioned to indicate such claim changes with the status "Currently Amended" in future submissions to the Office.
- Claims 36-88 are currently pending.

Response to Arguments

1. Applicant's arguments regarding the Supplemental Preliminary Amendment (see page 12, filed 3/5/2007) have been considered. This action addresses new claims 71-88.
2. Applicant's arguments, see the section titled "Informalities" on page 12, filed 3/5/2007, with respect to the objection to claim 63 have been fully considered and are persuasive. The objection to claim 63 has been withdrawn.
3. Applicant's arguments, see the section titled "Indefiniteness Rejection", filed 3/5/2007, with respect to the rejection of claims 36-70 under 35 U.S.C. 112, second paragraph, have been fully considered and are persuasive. The rejection of claims 36-70 under 35 U.S.C. 112; second paragraph, has been withdrawn.

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4. Applicant's arguments, see the section titled "Anticipation Rejection", filed 3/5/2007, with respect to the rejection of claims 36, 37, 52-55, and 70 under 35 U.S.C. 102(b), have been fully considered and are not persuasive.

The first paragraph of this section summarizes the rejection and states that Applicant traverses this rejection. In the second paragraph of the section, Applicant asserts that Samadi does not disclose the limitation of a dedicated connection of the independent claims. The third paragraph summarizes portions of the Samadi reference and the fourth paragraph explains that because communications between the switches in Samadi are not permanent, they do not read on the claim language.

Examiner respectfully disagrees. In view of the extremely broad claim language, Examiner interprets the phrase dedicated connection to refer to a connection between two endpoints (as opposed to a multicast or broadcast connection). There is nothing in the claim language indicating that this connection is permanent. As such, the connections between the switches in Samadi clearly disclose the limitation of the claims. Examiner recommends that Applicant better define the novelty of the present invention in the claim language to distinguish the claims from the prior art of record.

In the fifth and sixth paragraphs of this section, Applicant argues that Samadi does not disclose the first sink node operating as a second communication terminal for providing the first communication terminal with access to the second network.

Examiner respectfully disagrees. Again, in view of the broad claim language, Samadi does in fact disclose this limitation. The first sink node (either switch 203 or 204 of Network A) clearly is useful as a first sink node for communicating with nodes on the first network, but is

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also used as a second terminal for connecting these nodes with devices on another (second) network. Figure 2B is one example of providing access from a first network to a second network.

5. Applicant's arguments, see the section titled "Anticipation Rejection", filed 3/5/2007, with respect to the rejection of claims 38-51 and 56-69 under 35 U.S.C. 103(a), have been fully considered and are not persuasive.

The first paragraph of this section summarizes the rejection and states that Applicant traverses this rejection. In the second paragraph of the section, Applicant summarizes portions of the Mueller reference. In the third paragraph, Applicant indicates that Mueller does not disclose the limitation of a dedicated connection or the limitation of the first sink node operating as a second communication terminal providing access to a second network. In the next paragraph, Applicant argues that no motivation to combine the reference exists.

Examiner respectfully disagrees. As stated above, the two alleged missing limitations are disclosed by Samadi. Further, Examiner has provided motivation for combining the two references in the previous action; the motivation is to provide a customer with a number of different systems and providers from which to select service and is explicitly stated in the Mueller reference.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims **36, 37, 52-55, 70, and 86-88** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,664,007 to Samadi et al.

Regarding claims **36, 52-54, 70, and 86-88**, Samadi teaches a communications system and method comprising (Fig. 2B):

a first network (Network A 201) comprising a plurality of first network subscriber units or communication terminals (Fig.2B phone 221 and laptop computer 228) and a first network sink node unit (Switch 204) configured to wirelessly communicate with the first network subscriber units (Col. 4, Lines 45-55);

a second network (Network B 202) geographically at least partly overlapping the first network (Col. 2, Lines 51-56), comprising a plurality of second network subscriber units (Col. 3, Lines 2-5) a second network sink node unit (Switch 205) configured to wirelessly communicate with the second network subscriber units (such switch 203 and 205 is able to talk to cellular phone 221 wirelessly, See Fig 2A and Fig. 2B), and

a dedicated connection between the first network sink node unit and a second network unit configured to communicate in the second network, whereby a first network subscriber unit may be provided with a communication path to another second network unit (Fig. 2B , dash-line 251, 256 and solid line 261, 262, 233 between two switches and communication units 221 and 225 in the two network, Col. 5, Lines 22-25).

Additionally, the limitation of claims 54, 70, and 86-88 that the first sink node configured to operate as a second communication terminal for providing the first communications terminals

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with communications access to the second network is clearly disclosed in figure 2B, for example. The first sink node (switch 204) certainly provides the functionality of a second communication terminal recited in the claims; that is it clearly provides the first communication terminals (such as unit 225) with access to the second network (via connection 261, for example).

Regarding claims **37, 55, and 71**, Samadi discloses the limitation that the wireless communication in the first network is independent of wireless communication in the second network in Col. 4, Lines 62-63, for example.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims **38-51, 56-69, and 72-85** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,664,007 to Samadi et al in view of U.S. Patent 6,185,413 to Mueller et al.

Regarding claims **38, 56, and 72**, Samadi discloses all the limitations of parent claims 37, 55 and 36 as discussed above. However, Samadi does not explicitly teach the first network is in a different frequency band from wireless communication in the second network.

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Mueller teaches several different communication networks can have different frequency band (Fig. 3a, Col. Lines). In Fig. 2, GSM, DCS1800 and DECT use three different frequency bands.

It would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine a plurality of different frequency bands as Muller taught within a plurality of overlapping wireless communication networks taught by Samadi to obtain the invention as specified in claims 38, 56, and 72.

The motivation for doing so would have been to provide a selection of a large number of different mobile radio network systems and appropriate providers depending on the range of the individual mobile radio networks (Col. 3, Lines 59-63).

Regarding claims **39, 57, and 73**, Samadi modified by Muller, discloses the first network comprises a plurality of first network sink node units (Switches) with that the first network subscriber units or communication terminals are configured to wirelessly communicate (Col. 4, Lines 56-58).

Regarding claims **40, 58, and 74**, Samadi modified by Muller, discloses a plurality of a dedicated connections, each dedicated connection being between a respective first network sink node unit and a respective second network unit whereby a first network subscriber unit or communication terminals maybe provided with a communication path to another second network unit in the plurality of connections with switch 410 in figures 4A and 4B.

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Regarding claims **41, 59, and 75**, Samadi modified by Muller, discloses the communications system comprising:

a third network geographically overlapping the second network (see figures 4A and 4B of Samadi, for example as well as lines 51-56 of column 2) and comprising a plurality of third network subscriber units or communication terminals and a third network sink node unit configured to wirelessly communicate with the primary third network unit (see Samadi, Fig. 4, Col. 10, Lines 37-41);

and a dedicated connection between a second network sink node unit and a third network unit configured to wirelessly communicate in the third network, whereby a second network subscriber unit or communication terminal is configured to be provided with a communication path to another third network unit (see figures 4A and 4B of Samadi which disclose the third network as well as the dedicated connection between the second network sink node unit).

Regarding claims **42, 60, and 76**, Samadi modified by Muller, teaches the communications system wherein wireless communication in the first network and in the second network is independent of wireless communication in the third network (see lines 51-63 of column 2 and lines 62-63 of column 4).

Regarding claims **43, 61, and 77**, Samadi modified by Muller, teaches the communications system wherein wireless communication in the first network and in the second network is in a different frequency band from wireless communication in the third network (same reason of rejection of claim 38).

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Regarding claims **44, 62, and 78**, Samadi modified by Muller, teaches the communications system wherein the second network comprises a plurality of second network sink node units (Switches) with which the second network subscriber units or communication terminals are configured to wirelessly communicate (see lines 56-58 of column 4 of Samadi).

Regarding claims **45, 63, and 79**, Samadi modified by Muller, teaches the communications system comprising a plurality of a dedicated connections, each dedicated connection being between a respective second network sink node unit and a respective third network unit whereby a second network subscriber unit may be provided with a communication path to another third network unit (Samadi, Fig. 4B, switches (sink nodes) 410-412, devices 321 and 325 (subscribers) communicate to each other through connection 472 and 480, the dedicated connections 480, 481 and 445 between three switches 411, 410 and 412).

Regarding claims **46, 64, and 80**, Samadi modified by Muller, teaches the communications system wherein the said communication path is data communication (Samadi, lines 38-44 of column 1 and lines 56-57 of column 10).

Regarding claims **47-48, 65-66, and 81-82**, Samadi modified by Muller, teaches the said communication path is packet data communication and uses an internet protocol (Samadi, Col. 4 Lines 64-67, since the network can be ATM or packet switching technologies, it is inherently that using inter-network protocol to transmit packet data between networks).

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Regarding claims 49-51, 67-69, and 83-85, Samadi modified by Muller, the communications system wherein the said communication path in the first, the second and the third network is radio communication (Since all networks are wireless networks (Col. 4, Lines 47-50), it is inherently using radio communication between units within a wireless network).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Scheibel whose telephone number is 571-272-3169. The examiner can normally be reached on Monday and Thursday from 7:00-5:30 Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RCS 5-14-07
Robert C. Scheibel

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Patent Examiner

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A handwritten signature in black ink, appearing to read 'Wing Chan', written in a cursive style.

**WING CHAN
SUPERVISORY PATENT EXAMINER**